

REMARKS

Requirement for restriction

Applicant affirms the election of Group I, claims 1-11, for examination, as provisionally elected by telephone on 11/10/2004. Claims 12-20 have been withdrawn from consideration.

Claim rejection - Section 112

Claim 6 was rejected because the limitation "the base member" had no antecedent basis. Claim 6 has been amended by changing "base" to --mounting-- in line 4 of the claim.

Anticipation rejections

Claims 1, 3, 7 and 8 stand rejected under 35 U.S.C. §102(b) as anticipated by Pulver et al (U.S. Patent No. 6,131,679). Applicant traverses the rejection because Pulver et al. is not pertinent prior art, since it pertains not to suspension of the rear wheel of a wheelchair but rather to anti-tip apparatus for a wheelchair and does not suspend a rear wheel in any way.

Nonetheless, to expedite a finding of allowability of claim 1 et seq., applicant has amended claim 1 to clearly limit the apparatus to a suspension member which has a rigid mounting to the frame of the wheelchair, while Pulver et al. teaches an anti-tip member which is pivotable about pin 42 which secures it to the wheelchair frame (See lines 6-7 of column 3 of Pulver et al.). Further plate 44 is fixed to dampener 46 which is longitudinally extendible upon frame 10. Pulver et al. teaches that moveability of the anti-tip mechanism relative to the frame is a desirable feature of the invention. This teaches away from the rigid mounting to the wheelchair frame of the mounting member of applicant's invention.

Amendments to lines 6 and 7 of claim 1 were made to clarify the terminology of the claim and for no other reason and do not further limit the invention claimed in claim 1.

Because each of claims 3, 7 and 8 depend from claim 1 as amended, and because claim 1 now clearly distinguishes over Pulver et al., applicant submits that claims 1, 3, 7 and 8 are not anticipated by Pulver et al.

Obviousness rejections

Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) as unpatentable over Pulver et al., in view of Peterson (U.S. Patent No. 6,161,856). Applicant traverses this rejection.

With the amendment to claim 1, from which claims 2 and 5 depend, Pulver is distinguished and hence the underlying premise for the rejection of these claims over Pulver et al, in view of Peterson, is overcome.

Objected-to claims

Claims 4 and 9-11 were indicated to be allowable if not depending from rejected claims. With the amendment to claim 1 which is now believed allowable, claims 4 and 9-11 should no longer depend from a rejected base claim.

Claim 6 was indicated as allowable if the section 112 insufficiency were resolved. Applicant believes that is accomplished by this amendment.

New claims

Applicant has added claims 21-26 which are believed to clearly distinguish over the art of record.

Any questions or discussion about this response should be addressed to Allan L. Harms at 319-363-8905.

Respectfully submitted,



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